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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,479	02/05/2004	Fredrick R. Driscoll	6818-64	4983
30448	7590	07/27/2005	EXAMINER	
AKERMAN SENTERFITT				VASUDEVA, AJAY
P.O. BOX 3188				
WEST PALM BEACH, FL 33402-3188				
		ART UNIT		PAPER NUMBER
		3617		

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,479	DRISCOLL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ajay Vasudeva	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_. is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_. is/are allowed.  
 6) Claim(s) \_\_\_\_\_. is/are rejected.  
 7) Claim(s) \_\_\_\_\_. is/are objected to.  
 8) Claim(s) 1-25 are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_. is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11 are drawn to an invention in **Group I**, and classified in class 367, subclass 4. The invention of Group I is a combination of air brake/anchor having a plurality of mooring arms, a parachute attached to the mooring arms, and a flotation buoy.
  - II. Claims 12-15 are drawn to an invention in **Group II**, and classified in class 114, subclass 293. The invention of Group II is a subcombination comprising (i) an anchor having a plurality of mooring arms, the plurality of mooring arms having a plurality of folding linked arms segments (claim 12); or the subcombination comprises an anchor having a plurality of mooring arms, the plurality of mooring arms having a plurality of folding linked arms segments, and a parachute attached to the ends of the mooring arms (claim 14).
  - III. Claims 16-18 are drawn to an invention in **Group III**, and classified in class 114, subclass 230.2. The invention of Group III is a subcombination comprising a mooring line spool.
  - IV. Claims 19-22 are drawn to an invention in **Group IV**, and classified in class 441, subclass 1. The invention of Group IV is a subcombination comprising a flotation buoy having a ratio of length to width of greater than 2:1.
  - V. Claims 16-18 are drawn to an invention in **Group V**, and classified in class 114, subclass 210/310. The invention of Group V is a subcombination and directed to a release mechanism for releasing an anchor.

Art Unit: 3617

2. The inventions are distinct, each from the other because of the following reasons:

Inventions of any two groups -- related as combination and subcombination -- are considered to be distinct from each other if it can be shown that:

- (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and
- (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

3. Inventions of **Group I** and **Group II** are related as combination and subcombination.

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the air brake/anchor does not require the plurality of mooring arms to have a plurality of folding linked arms segments (as in claims 12 and 14); and does not require the parachute to be attached to the ends of the mooring arms (as in claim 14).

The subcombination has separate utility such as with a submersible boat; with a subsea sensor deployed from the air, or with air dropped ammunition/mine countermeasures (class 102).

4. Inventions of **Group I** and **Group III** are related as combination and subcombination.

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the air brake/anchor does not require a mooring line spool (as in claim 16).

The subcombination has separate utility, such as use with mooring device of a boat.

Art Unit: 3617

5. Inventions of **Group I** and **Group IV** are related as combination and subcombination.

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the air brake/anchor does not require the buoy to have a ratio of length to width of greater than 2:1 (as in claim 19).

The subcombination has separate utility, such as a rescue or signaling device.

6. Inventions of **Group I** and **Group V** are related as combination and subcombination.

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the air brake/anchor does not require a release mechanism for releasing the anchor (as in claim 23).

The subcombination has separate utility, such as use with recreational or rescue flotation devices.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

8. A telephone call was made to Mr. Gregory Nelson on 7/25/2005 to request an oral election to the above restriction requirement, but did not result in an election being made because the examiner was unable to reach him.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva  
Examiner  
Art Unit 3617

AV

  
7/25/05  
AJAY VASUDEVA  
PATENT EXAMINER